

2:08-CV-00486-EFB

**DECLARATION OF JAMES C. HARRISON IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

EXHIBIT A



RECEIVED

OCT 30 2007

**REMCHO, JOHANSEN
& PURCELL, LLP**

FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

October 29, 2007

**VIA FACSIMILE (510) 346-6201 AND
U.S. MAIL**

✓ Senator Carole Migden
Rita Copeland, Treasurer
C/o James Harrison, Esq.
Remcho, Johansen & Purcell, LLP
201 Dolores Avenue
San Leandro, CA 94577

Re: Demand for Compliance

Dear Senator Migden and Ms. Copeland:

As you are aware, the Enforcement Division of the Fair Political Practices Commission ("FPPC") has been investigating whether, and to what extent, you, your agents, and the following candidate-controlled committees have complied with the Political Reform Act's campaign finance and disclosure requirements: Committee to Re-Elect Carole Migden (ID # 962662, formerly known as Re-Elect Assemblywoman Carole Migden 1998), Carole Migden Leadership Committee (ID # 1231896), Friends of Carole Migden (ID # 1231831), and Re-Elect Senator Carole Migden (ID # 1273463).

Although the investigation is not yet complete, the Enforcement Division has determined that all of the funds contained in North Valley Bank account 4303002267 are "surplus funds" within the meaning of the Act. (See Gov. Code, § 89519.) The FPPC, through the Enforcement Division, therefore demands that you and your agents refrain from using or transferring any of the funds contained in North Valley Bank account 4303002267, which presently bears the account title "Friends of Carole Migden" ID # 1231831, unless you first obtain authorization from the FPPC's Executive Director under Regulation 18404.1 to reopen the Committee to Re-Elect Carole Migden (ID # 962662).

Please be advised that any such reopening, if so authorized by the Executive Director, and subsequent transfer of these surplus funds into a newly opened campaign bank account for the reopened committee, will be explicitly subject to all legal limitations that were applicable when the funds first became surplus. A copy of Regulation 18404.1 is attached for your reference.

The Enforcement Division further demands that you or your agents immediately transfer \$120,000 from a Re-Elect Senator Carole Migden (ID # 1273463) committee bank account to Friends of Carole Migden (ID # 1231831) North Valley Bank account 4303002267. Bank records show that on August 1, 2007, \$20,000 was transferred from North Valley Bank account 4303002267 for payment of check number 1006 from North Valley Bank account 4302003472, made payable to Remcho, Johansen & Purcell, LLP. Bank records also show that by check dated September 4, 2007, Friends of Carole Migden (ID # 1231831) made a prohibited \$100,000 contribution to the Re-Elect Senator Carole Migden (ID # 1273463) committee, from funds initially contained in North Valley Bank account 4303002267. Provide bank statements evidencing compliance with this demand by Monday, November 5, 2007.

Any further transfers of funds or payments that you or your agents might have made from North Valley Bank account 4303002267 between September 4, 2007 and the date and time of the facsimile transmission of this letter will be subject to Enforcement Division demands for the deposit of funds into account 4303002267.

Please be further advised that the above-referenced investigation is ongoing and this demand in no way abrogates or impairs the FPPC's enforcement authority or ability to pursue available remedies. Indeed, the FPPC affirmatively reserves each and all of its legal rights regarding the pending investigation and subsequent enforcement of the Act.

Sincerely,



Amanda H. Saxton
Chief of Enforcement

Attachment